IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 16660 of 1999

Between:

B.R.Venkateswarlu S/o.B.RAjaiah
O/o.M.P.D.O.Narmetta, SC.Corporation Warangal, Warangal District

..... PETITIONER

AND

1 The Collector Warangal, Warangal District
2 Executive Director, SC Corporation Warangal, Warangal District
3 Executive Engineer, SC Corporation Warangal, Warangal District
4 Managing Director, SC. Service Coop. Society Ltd., Warangal, Warangal

District
5 T.Jayakar S/o.George, O/o.Executive Engineer, Dist. SCSCS Ltd., Warangal
6 Ashok Kumar S/o.Narahari, O/o.Executive Engineer, Dist. SCSCS Ltd.,

Warangal
7 M.Hari Kishan Rao S/o.Komarelli, O/o.Executive Engineer, Dist. SCSCS

Ltd., Warangal

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, preferably one in the nature of writ of mandamus, declaring the action of the respondents 1 to 4 in effecting the promotion to the Respondents 5 to 7 vide Procdgs.No.A/842/SC/95, Dt.07/07/1999 ignoring the claims of the petitioner to the post of Draughtsman Gr-II as illegal, arbitrary and contrary to GO.Ms.No.296, DT.20/05/1994 and consequently direct the respondents-

1 to 4 to promote the petitioner herein to the post of Draughtsman Grade-II from the date in which respondents 5 to 7 promoted along with consequential benefits thereto and pass such other order.

Counsel for the Petitioner: MR.J.KANAKAIAH

Counsel for the Respondent Nos.1 to 3: GP FOR COOPERATION

Counsel for the Respondent No.4:MR.P.SESHA RAO

Counsel for the Respondent Nos.5 to 7: MR.V.SRINIVAS

The Court made the following:

ORDER:

Heard both sides.

The only question that involved in this writ petition is as to whether the petitioner is seeking to assail the promotion given effect to the respondents 5 to 7 as per the impugned proceedings dated 07.07.1999 of which the petitioner has given up his claim against respondents 6 and 7 or restricted his challenge only as against the fifth respondent.

Though several contentions have been urged in the writ petition which are contended by the fifth respondent by filing counter affidavit, the fact remains that the petitioner seeks to place reliance on G.O.Rt.No.2025, dated 03.12.1994 and G.O.Rt.No.293, dated 09.05.1997. It is pointed out during the course of arguments that in pursuance of the representations made by the petitioner, the Executive Engineer as per the proceedings in Rc.No.1078/ A3/93/Eng., dated 26.03.2004, addressed the Vice Chairman & Managing Director, APSCCFC Ltd., i.e., the fourth respondent herein, seeking clarification with regard to the promotion of the petitioner, who is entitled for the same. Further, it is also submitted that in similar lines, the petitioner has also made various representations.

Having regard to the fact that the impugned order does not disclose the reasons for non-consideration of the petitioner's promotion having been engaged so far and there being already a recommendation which was subsequent to filing of this writ petition, instead of going into the merits of the claims made on either side, it would be suffice in the interests of justice to direct the fourth respondent to consider the

case of the petitioner in terms of the claims made by him vis-à-vis with reference to the aforesaid GOs and also the recommendation which has already been made by the Executive Engineer dated 26.03.2004 and pass appropriate orders in accordance with law in regard to the promotion to which the petitioner is entitled over and above the fifth respondent within a period of eight weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No costs.

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20.12.2004

VGB

To

1 The Collector Warangal, Warangal District
2 Executive Director, SC Corporation Warangal, Warangal District
3 Executive Engineer, SC Corporation Warangal, Warangal District
4 Managing Director, SC. Service Coop. Society Ltd., Warangal, Warangal

District
5 2CCs to the Government Pleader for Cooperation, High Court Buildings,

Hyderabad. (OUT)

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